

S/N 10/014,904PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hawkins, et al.

Examiner: Hyun Nam

Serial No.: 10/014,904

Group Art Unit: 2111

Filed: June 28, 2005

Docket No.: 42P13516

RECEIVED
CENTRAL FAX CENTER

APR 04 2008

Title: COMPUTER SYSTEM WITH DEDICATED SYSTEM MANAGEMENT

PRE-BRIEF CONFERENCE REQUEST

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant respectfully requests review of the final rejection in the above-identified application which was mailed December 27, 2007. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated on the following five (5) sheets.

Serial Number: 10/014,904
Filing Date: December 14, 2001
Title: COMPUTER SYSTEM WITH DEDICATED SYSTEM MANAGEMENT

Page 2
Dkt: 42P13516

REMARKS

RECEIVED
CENTRAL FAX CENTER

APR 04 2008

Applicant respectfully requests reconsideration of this application in view of the following remarks. This response is believed to fully address all issues raised in the final Office Action mailed December 27, 2007. Furthermore, no new matter is believed to have been introduced herein. Claims 1, 4, 5, 7-10 and 16-22 were previously pending and remain pending in this application.

35 USC §112 Rejection of the Claims

Claims 1, 4, 5, 7-10 and 16-22 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

The 35 USC §112 Rejection is respectfully traversed.

Applicant's specification at page 4, lines 1-3 explicitly states that a central management agent *may monitor and/or control* power supplies, fan trays and temperature sensors. In fact, the Examiner acknowledges this disclosure in the specification. See Office Action at page 2, paragraph 2. However, the Examiner asserts that such a disclosure does not specifically state that control signals are transmitted to temperature sensors and it is unclear which components are controlled and which are monitored. Id. The Examiner further asserts that the statement can also mean that the devices are "monitored or controlled." See Final Office Action at Page 8, paragraph 23.

Applicant acknowledges the accuracy of the Examiner's assertion, and further submits that a plain English construction of the components *monitor and/or control* indicates that any of the component types may alternatively be "monitored and controlled" or "monitored or controlled." Thus, since the statement may be interpreted as either "monitored and controlled" or "monitored or controlled" the disclosure of components being "monitored and controlled" is explicitly disclosed.

Serial Number: 10/014,904
Filing Date: December 14, 2001
Title: COMPUTER SYSTEM WITH DEDICATED SYSTEM MANAGEMENT

Page 3
Dkt: 42P13516

35 USC §103 Rejection of the Claims

Claims 1, 4, 5 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stepp, III (U.S. Patent 6,487,463) in view of Umezawa (U.S. Patent No. 4,975,766).

Claims 8-10 and 16-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stepp III, in view of Holland (U.S. Patent No. 5,367,669).

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Stepp III and Holland, and in further view of Jewett et al. (U.S. Patent No. 6,073,251).

All 35 USC §103 Rejections are respectfully traversed.

Requirements for Rejections under 35 USC §103

Initially, the Office is respectfully reminded of the requirements for rejections under 35 USC §103. In particular, to establish a *prima facie* case of obviousness, the Office personnel must articulate a finding that the prior art included *each element claimed*, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference. See Manual of Patent Examining Procedure (MPEP), 8th Edition, Revision 6, September 2007, §2143 (A).

It is respectfully submitted that the Office clearly fails the first criterion by not establishing that all the claim limitations are taught by the cited art.

Claim Rejection in view of Stepp and Umezawa

Applicant submits that the present claims are patentable over Stepp in view of Umezawa.

Stepp discloses a system for actively cooling an electronic device. See Stepp at Abstract. Stepp further discloses a controller 320 that is coupled to temperature sensors 314 and cooling fans 316. The controller 320 monitors the temperature of components 302-312 through the

Serial Number: 10/014,904
Filing Date: December 14, 2001
Title: COMPUTER SYSTEM WITH DEDICATED SYSTEM MANAGEMENT

Page 4
Dkt: 42P13516

temperature sensors 314. See Stepp at col. 6, ll. 14-19 and Figure 3. The controller 320 is coupled to cooling fans 316 via FAN C and FAN M connections. The FAN C connections are used to control the rotational speed of each cooling fan 316. See Stepp at col. 6, ll. 22-24. The FAN M connections are used to monitor each cooling fan 316 to detect failure of a cooling fan. See Stepp at col. 6, ll. 56-58.

Umezawa discloses a structure for detecting a temperature of a package which includes a circuit board having mounted thereon a plurality of integrated circuit chips, each of which is accommodated in a chip carrier, a cooling plate facing the integrated circuit chips for performing a heat exchanger with a coolant, a temperature sensing block including a case which is mounted on the circuit board and has substantially the same height as the chip carriers with at least one temperature sensor accommodated in the case, and a heat-conducting medium filling small clearances defined between the cold plate and the integrated circuit chips and the temperature sensing block. See Umezawa at Abstract.

Claim 1 of the present application recites a central management agent to transmit signals to control each of first and second sets of field replaceable units via first and second management buses. Applicant maintains that neither Stepp nor Umezawa disclose or suggest a central management agent transmitting signals to control both the temperature sensors and the fans. Particularly, neither reference discloses or suggests transmitting control signals to the temperature sensors. In fact, the Examiner acknowledges that Stepp does not disclose such a feature. See Final Office Action at page 3, paragraph 5. However, the Examiner maintains that Umezawa discloses the feature. Id.

Umezawa discloses an external circuit for controlling temperature sensors such that when one temperature sensor senses a temperature indicative of a malfunction the external circuit activates another temperature sensor. See Umezawa at claim 3. Nonetheless, there is no disclosure in Umezawa of *transmitting control signals to the temperature sensors*. Because both Stepp and Umezawa fail to disclose or suggest transmitting control signals to temperature

Serial Number: 10/014,904
Filing Date: December 14, 2001
Title: COMPUTER SYSTEM WITH DEDICATED SYSTEM MANAGEMENT

Page 5
Dkt: 42P13516

sensors, any combination of Stepp and Umezawa would also fail to disclose or suggest transmitting control signals to temperature sensors.

Accordingly, claim 1 is in condition for allowance for at least the above reasons. All pending dependent claims should be allowable for at least similar reasons as their respective independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

Claim Rejection in view of Stepp and Holland

Applicant submits that the present claims are patentable over Stepp in view of Holland. Holland discloses a fault tolerant disk array control system. See Holland at Abstract.

Claim 16 recites a central management agent having failure detection logic to detect a failure of temperature sensors and fan trays. Applicant submits that neither Stepp nor Holland disclose or suggest a central management agent having such failure detection logic. Holland discloses a Watchdog Timer that detects faulty functioning of a microprocessor. See Holland at col. 6, ll. 58-62. Applicant submits that a watchdog timer at a microprocessor is not equivalent to a central management agent having failure detection logic to detect a failure of the temperature sensors, and the fan tray.

Since neither Stepp nor Holland disclose or suggest such a central management agent transmitting signals to control to temperature sensors and fans, any combination of Stepp and Holland would not disclose such features.

Accordingly, claim 16 is in condition for allowance for at least the above reasons. All pending dependent claims should be allowable for at least similar reasons as their respective independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

Serial Number: 10/014,904
Filing Date: December 14, 2001
Title: COMPUTER SYSTEM WITH DEDICATED SYSTEM MANAGEMENT

RECEIVED
CENTRAL FAX CENTER

APR 04 2008

Page 6
Dkt: 42P13516

Claim Rejection in view of Stepp, Holland and Jewett

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Stepp III and Holland, and in further view of Jewett et al. (U.S. Patent No. 6,073,251).

Applicant submits that the present claims are patentable over any combination of Stepp, Holland and Jewett since none of these references disclose or suggest a central management agent transmitting signals control to temperature sensors and fans, or detecting a failure of temperature sensors.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF/TAYLOR & ZAFMAN LLP

Date:April 4, 2008

Mark L. Watson
Reg. No. 46,322

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(303) 740-1980